IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16544 of 2003
with
CIVIL APPLICATION NO. 1213 OF 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VIKAS SHIPPING CORPORATION

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 16544 of 2003

MR B.T. RAO WITH MR BA VAISHNAV for Petitioner No. 1

MR. ASHISH P. BHATT, LD. AGP for Respondent No. 1

MR PR NANAVATI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 23/09/2004

ORAL JUDGEMENT

1. Heard Mr. B.T. Rao, learned advocate for the

petitioner, Mr. P.R. Nanavaty, learned advocate for Gujarat Maritime Board and Mr. Ashish Bhatt, learned AGP for respondent State.

2. Mr. Rao has submitted that a resolution has been passed by the respondent Board on 13th September, 2004. Extract of the said resolution along with the calculation chart is supplied by learned advocate for the Board, which are taken on record. The said Board resolution reads as under :-

" Resolution No. 1856.

Resolved that as the Board has taken possession of the plot No. 49 on 15th of October, 2001, and if M/s. Vikas Shipping Corporation is willing to pay the amount due to this date, VC & CEO can reinstate the permission of the plot, along with request for transfer of the plot as may be deemed fit by the existing permission holder. "

3. Mr. Nanavaty has submitted that the original petitioner is required to pay Rs.42,07,712-00. Though the Board has directed the petitioner to pay the said amount on or before 30th September, 2004, Mr. Rao for the petitioner has requested that since the decision was taken by the Board only on 13th September, 2004, it will be difficult for the petitioner to arrange for such a huge amount within this short period, though the petition is pending since long, and has stated that the said amount will be paid on or before 30th October, 2004.

4. Hence, it is directed that on payment of aforesaid amount being received by the respondent Board by 30th October, 2004, the Board will restore possession of the plot in question and will also permit the petitioner to transfer the plot to another party as per their application submitted to the Board.

5. Petition is disposed off accordingly. Rule is made absolute to the aforesaid extent. Liberty is reserved to the respondent Board in case of difficulty. No order as to costs.

6. In view of the decision in the main matter, no order in civil application No. 1213 of 2004. Rule is discharged with no order as to costs.

Dt: 23-9-2004 (K.S. JHAVERI, J)

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